

Mark D. Young
Eric F. Leon

KIRKLAND & ELLIS LLP
655 15th Street, N.W., Suite 1200
Washington, D.C. 20005
(202) 879-5084

*Attorneys for Amici Curiae Futures Group
Futures Industry Association, Inc.
Managed Funds Association, Inc.
New York Mercantile Exchange, Inc.
Chicago Mercantile Exchange Group, Inc.
International Swaps and Derivatives
Association, Inc.*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

U.S. COMMODITY FUTURES TRADING COMMISSION,	:	
	:	
Plaintiff,	:	07 Civ. 6682 (DC)
	:	ECF Case
v.	:	
AMARANTH ADVISORS L.L.C., et al.,	:	
	:	
Defendants.	:	
	:	

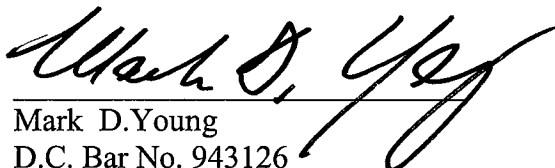
**DECLARATION IN SUPPORT OF MEMORANDUM OF LAW OF THE AMICI
CURIAE FUTURES GROUP IN SUPPORT OF PLAINTIFF COMMODITY
FUTURES TRADING COMMISSION'S EXCLUSIVE JURISDICTION
AND DEFENDANT AMARANTH ADVISORS' STAY MOTION. I DECLARE UNDER
PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AS
EXECUTED ON OCTOBER 3, 2007. I HAVE ATTACHED, HERETO, IN FURTHER
SUPPORT OF THIS MEMORANDUM, THE FOLLOWING EXHIBITS:**

LIST OF EXHIBITS

- A. Transcript of Conference before the Honorable Denny Chin, *U.S. CFTC v. Amaranth Advisors LLC, et al.*, 07 Civ. 6682 (DC) (S.D.N.Y. Aug. 16, 2007).

- B. Memorandum of Understanding Between The Federal Energy Regulatory Commission (FERC) and The Commodity Futures Trading Commission (CFTC) Regarding Information Sharing and Treatment of Proprietary Trading and Other Information, dated Oct. 12, 2005.
- C. Commission Opinion Order re *New York Mercantile Exchange*, No. EL95-81-00, 75 FERC ¶ 61311 (1996).
- D. I. Talley, *UPDATE: Court May Settle CFTC, FERC Oversight Turf Battle*, Factiva®, Dow Jones International News, Sept. 26, 2007.
- E. Sept. 27, 200[7] Letter to CFTC Acting Chairman Walt Lukken from U.S. Reps. Peterson, Goodlatte, Etheridge and Moran.
- F. Excerpts from 1974 Legislative History
 - H.R. Rep. No. 93-975
 - S. Rep. No. 93-1131
 - H.R. Rep. No. 93-1383 (Conf. Rep.)
 - 120 Cong. Rec. 34,736-7 (1974)
 - 120 Cong. Rec. 30,458-9 (1974)
 - 120 Cong. Rec. 34,995-7 (1974)
- G. Excerpts from 1978 Legislative History
 - H.R. Rep. No. 95-1181
 - S. Rep. No. 95-850

Dated: October 3, 2007



Mark D. Young
D.C. Bar No. 943126